



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

MEGHAN DAVEY
Director

STATE OF NEW JERSEY DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

R.G.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

BURLINGTON COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 16176-2018

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. No exceptions were filed to the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Decision is March 21, 2019 in accordance with an Order of Extension.

This matter concerns the September 2018 denial of Petitioner's request for Pre-Eligibility Medicaid Expenses (PEME) to be applied to his post-eligibility income. Petitioner

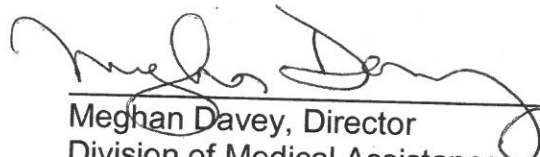
is entitled to have the three months prior to the Medicaid application covered either through a finding that he was eligible for those three months or permit certain medical expenses incurred in that same three month period be paid out his post-eligibility income. See N.J.A.C. 10:49-2.9(b), 42 U.S.C. § 1396a(a)(34) and Medicaid Communication No. 10-07. Petitioner was found eligible as of August 1, 2018. He was not found to be retroactively eligible due to his resources and income during those months. An application was made to have the nursing home payments for the months of May, June and July 2018 deducted from his income. However, he died before the request was processed.

The Initial Decision upholds the denial and I concur. Petitioner had applied twice for Medicaid and was found income and resource eligible as of August 1, 2018. He died on August 27, 2018. PEME payments are applied prospectively to the post-eligibility treatment of income and end at death. Petitioner's Medicaid eligibility ended on August 27, 2018 as did the application of PEME to his post-eligibility income. See Medicaid Communication No. 10-07. Thus, for the reasons set forth in the Initial Decision and above, the denial is upheld.

THEREFORE, it is on this 21st day of MARCH 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services